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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/512,144  | 10/22/2004  | Morihisa Momona        | NEC03P013-S1b       | 2330             |
| 21254 7590 06/01/2010<br>MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC<br>8321 OLD COURTHOUSE ROAD<br>SUITE 200<br>VIENNA, VA 22182-3817 |             |                        |                     |                  |
| EXAMINER<br>PHAM, BRENDA H  |             |                        |                     |                  |
| ART UNIT<br>2464  |             | PAPER NUMBER           |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/512,144

**Applicant(s)**

MOMONA, MORIHISA

**Examiner**

BRENDA PHAM

**Art Unit**

2464

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11, 13, 15, 16, 18 and 19 is/are allowed.
- 6) ☐ Claim(s) 1, 14 and 20 is/are rejected.
- 7) ☐ Claim(s) 12 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 14 and 20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claims 3-5, 7-20 are objected to because of the following informalities: Claims 3-5, 7-20, line 1 recites "A mobile communication network" should be amended to "The mobile communication network". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurtta et al. (US 6,975,850 B1).

Regarding claims 1 and 14 Hurta et al. discloses a mobile communication network system that comprises **(referring to FIG. 1):**

a mobile communication network **(communication system of FIG. 1);**

a plurality of external networks **(network 9, 10 and 11);**

a plurality of mobile terminals **(MS 1);**

a plurality of gateways for connecting said external networks and said mobile communication network **(Gateway 19, 20 and 21);** and

a plurality of radio access point for connecting said mobile terminals to said mobile communication network **(BS 2);**

wherein, when packets are transmitted and received between said mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of said external networks on said mobile communication network **("the path of the connection is from the mobile station via radio to one or more base stations and then by communication links (normally fixed line communication links) from the base station(s) to the respective RNC 4 the SGSN8 of the core network, the appropriate GGSN (e.g. GGSN 20) of the core network and then to the other network (e.g. network 10) and a terminal 24 operating in it.)**  
**col. 5, lines 19-25)**

6. Claims 1, 14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Petersen (US 6,574,221 B1).

Regarding claims 1 and 14 Petersen discloses a mobile communication network system that comprises **(referring to FIG. 6):**

a mobile communication network **(Radio Access network 12);**

a plurality of external networks **(Internet 114 and PSTN/ISDN 112);**

a plurality of mobile terminals **(MS 128);**

a plurality of gateways for connecting said external networks and said mobile communication network **(Circuit-Switched Access Network 118 and Packet-switched Access Network 120, see FIG. 7 &8);** and

a plurality of radio access point for connecting said mobile terminals to said mobile communication network **(Bas station 126);**

wherein, when packets are transmitted and received between said mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of said external networks on said mobile communication network **(“The URAN 100 provides communications between various information communication (Infocom) networks, examples of which include the PSTN/ISDN 12 and the Internet 114, and the radio mobile stations 128. Virtually any Infocom network may be interfaced for communications with the mobile station 128 through a circuit-switched access network 118 using well known signaling system 7 (SS&) protocols such as ISUP. Similarly, Internet access is provided via a packet-switched access network 120 using well-known internet protocols such as TCP/IP.)** col. 8, lines 43-55)

Regarding claim 20, Petersen further teaches wherein packets on core networks or access networks are transferred using multicast (**"Service span an entire spectrum from interactive, including telephony and on-line data retrieval, to distributed such as video and stereo hi-fi broadcasts, and to multicast for conferencing and database updates."** col. 6, lines 10-18)

***Allowable Subject Matter***

7. Claims 12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 2-11, 13, 15-16, 18-19 are allowed over prior art made of record.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached on (571) 272-3139.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

May 27, 2010

/Brenda Pham/

Primary Examiner, Art Unit 2464